

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CARLOS ROMERO HERNANDEZ,
ID #00806344,
Petitioner,

vs.

DIRECTOR, Texas Department of Criminal
Justice, Correctional Institutions Division,
Respondent.

No. 3:23-CV-1215-M-BH

ORDER OF THE COURT ON RECOMMENDATION REGARDING
REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL

Considering the record in this case and the recommendation of the Magistrate Judge, the Court hereby finds and orders:

- () The request for leave to proceed *in forma pauperis* on appeal is GRANTED.
- (X) The request for leave to proceed *in forma pauperis* on appeal (doc. 20) is **DENIED** because the Court certifies pursuant to Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith. In support of this certification, the Court incorporates by reference the findings, conclusions, and recommendations filed in this case on August 15, 2023, and September 19, 2023, respectively (docs. 10, 14). Based on those filings, this Court finds that the appeal presents no legal points of arguable merit and is therefore frivolous.
- (X) Although this Court has denied leave to proceed *in forma pauperis* on appeal, the petitioner may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). *See* Fed. R. App. P. 24(a)(5).

DATE: December 5, 2023.


BARBARA M. G. LYNN
SENIOR UNITED STATES DISTRICT JUDGE